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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/898,958	07/03/2001	Jack V. Smith	1414.47	9735
21901	7590	01/21/2011		
SMITH HOPEN, PA 180 PINE AVENUE NORTH OLDSMAR, FL 34677			EXAMINER PAGAN, JENINE MARIE	
			ART UNIT	PAPER NUMBER
			3728	
			NOTIFICATION DATE	DELIVERY MODE
			01/21/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

09/898,958

Applicant(s)

SMITH, JACK V.

Examiner

JENINE M. PAGAN

Art Unit

3728

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-18 is/are pending in the application.
- 4a) Of the above claim(s) 1-5 and 8-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6,7 and 12-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

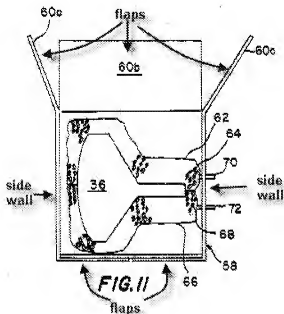
DETAILED ACTION

1. This Office Action acknowledges the applicant's Appeal Brief filed on 11/15/2010. In light of the Appeal Brief and a careful review of the application, it is determined that the claims require further examination. Therefore the finality of the Office Action dated 6/11/2010 is withdrawn. Claims 1-10 and 12-18 are pending in the application. Claim 11 is cancelled. Claims 1-5 and 8-10 are withdrawn from consideration.

The text of those sections of Title 35, U.S. code not included in this action can be found in a prior Office Action.

Claim Rejections - 35 USC § 103

2. Claims 6-7 and 12-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jarvis et al. US 5,515,975 in view of Kim US 5,624,035 and further in view of Krueger US 2,697,229.



Claim 6: Jarvis discloses a box 58 (see figure above) having a hollow interior defined by a top wall, a bottom wall, and sidewalls interconnecting said top and bottom walls; a first inflatable bladder 66 within said hollow interior of said box 58, said first inflatable bladder 66 being disposed in protecting relation to said bottom wall of said box 58; an opening formed in said box (Col 6:40-45); valve 72 disposed in sealing engagement with said opening; said valve 72 having an inlet port external to said box 58; said inlet port adapted to be connected to a source of gaseous fluid under pressure; said inlet port being in fluid communication with said first inflatable bladder 66 so that said first inflatable bladder 66 is inflated when said source of gaseous fluid under pressure is connected to said inlet port (Col 6:40-58); and said first inflatable bladder 66 when inflated engulfs said item 36 being shipped and serves as a cushioning means for said item 36 during shipping. (Col 6:16-58, Fig. 11 and 12)

Jarvis discloses a bladder enclosed in a box but it does not specifically disclose the bladder is affixed to the interior of the box and attached to each sidewall.

However Kim discloses that it was known in the art to affix a bladder 28 to the interior of a box and attach the bladder to each sidewall 32 of a container.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the bladder of Jarvis to be affixed to the interior of the box and attach the bladder to each sidewall of the

container as taught by Kim, since Kim suggests at Figs. 1 and 2 that such a modification would prevent the bladder from shifting during transport.

Jarvis discloses a valve that requires an object such as a needle to pierce and inflate the bladder but it does not specifically disclose the valve is a normally closed valve.

However Krueger discloses that it was known in the art to provide a normally closed valve (self-sealing valve) 19 to inflate an object or bladder, also with the assistance of a needle type piercing.

Since both valves of Jarvis and Krueger require a piercing of an object such as a needle to inflate and release air from a bladder, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the valve of Jarvis to be a normally closed valve as taught by Krueger, since Krueger suggests at Col 2:39-46 that such a modification would prevent the valve from leaking air while pressure is applied to the bladder.

Claim 7: Jarvis discloses a second inflatable bladder 62 disposed in said hollow interior of said box 58 in cooperative relation to said first inflatable bladder 66 to provide an enhanced cushioning means that engulfs said item 36 being shipped; and said box 58 having four side walls and closable flaps 60abc (see figure above) on the top horizontal and bottom horizontal sections. (Col 6:36-45 and Fig. 11)

Claim 12: Jarvis discloses said first inflatable bladder 66 being disposed in protecting relation to said sidewalls of said box 58. (Fig. 12)

Claim 13: Jarvis discloses said box 58 being made of a rigid material.

Claim 14: Jarvis discloses said box 58 being made of a semi-rigid material.

(By the box having foldable flaps it is considered to be semi-rigid.)

Claim 15: Jarvis discloses a hand pump 74 in fluid connection with said first inflatable bladder 66.

Claim 16: Jarvis discloses said first inflatable bladder 66 further comprises a bottom inflatable lumen shaped to cover said bottom wall of said box 58. (Fig. 12)

Claim 17: Depending on the position of the first inflatable bladder 66 in the box 58 the first bladder is capable of further comprising an inflatable lumen disposed near said top wall of said box 58 and is adapted to inflate between said box 58 and said item 36.

Claim 18: Jarvis does not specifically disclose the first inflatable bladder further comprises a bleed valve disposed in fluid communication with said first inflatable bladder.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a bleeder valve to the bladder of Jarvis since it was known in the art that doing such would provide an easy way to remove air from the bladder.

Response to Arguments

3. Applicant's arguments, see Appeal Brief, filed 11/15/2010, with respect to the rejection(s) of claim(s) 6-7 and 12-18 under 103a with Cash in view of Kim have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Jarvis in view of Kim and further in view of Krueger.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JENINE M. PAGAN whose telephone number is (571)270-3216. The examiner can normally be reached on Monday - Thursday, 8am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on (571) 272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mickey Yu/
Supervisory Patent Examiner, Art Unit 3728

/Jenine M Pagan/
Examiner, Art Unit 3728